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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

ADR

LB

10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 EDWARD CAMPOS,

) Case No. C11-02450

13 Plaintiff,

) COMPLAINT FOR VIOLATION

14 vs.

) OF FEDERAL FAIR DEBT

15 LAW OFFICE OF THOMAS

) COLLECTION PRACTICES ACT

16 LANDIS, ESQ.,

) AND ROSENTHAL FAIR DEBT

17 Defendant.

) COLLECTION PRACTICES ACT

)

)

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20 I. INTRODUCTION

21 1. This is an action for damages brought by an individual consumer for

22 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C.

23 §1692, *et seq.* (hereinafter "FDCPA"), and the Rosenthal Fair Debt Collection

24 Practices Act, Cal Civ Code §1788, *et seq.* (hereinafter "RFDCPA"), both of

25 which prohibit debt collectors from engaging in abusive, deceptive, and unfair

26 practices.

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II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. §1692k (d).

III. PARTIES

3. Plaintiff, Edward Campos (“Plaintiff”), is a natural person residing in Contra Costa county in the state of California, and is a “consumer” as defined by the FDCPA, 15 U.S.C. §1692a(3) and is a “debtor” as defined by Cal Civ Code §1788.2(h).

4. At all relevant times herein, Defendant, Law Office of Thomas Landis, Esq., (“Defendant”) was a company engaged, by use of the mails and telephone, in the business of collecting a debt from Plaintiff which qualifies as a “debt,” as defined by 15 U.S.C. §1692a(5), and a “consumer debt,” as defined by Cal Civ Code §1788.2(f). Defendant regularly attempts to collect debts alleged to be due another, and therefore is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6), and RFDCPA, Cal Civ Code §1788.2(c).

IV. FACTUAL ALLEGATIONS

5. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.

6. In February 2011, Defendant contacted Plaintiff in connection with an attempt to collect an alleged debt.

1 7. On more than one occasion, Defendant falsely represented the legal
2 status of the alleged debt, including calling from a “law office” implying that a
3 legal action had been initiated.

5 8. Defendant threatened legal action against Plaintiff for failure to pay
6 an alleged debt, where no such action had been intended to be taken, as the debt
7 had been past the statute of limitations.

9 9. Defendant threatened that failure to pay the alleged debt would result
10 in the seizure or garnishment of Plaintiff’s property.

12 10. On at least one occasion, Defendant threatened to garnish Plaintiff’s
13 social security benefits for failure to pay the alleged debt, where such action is not
14 lawful.

16 11. On more than one occasion, Defendant contacted Plaintiff’s mother,
17 a third party to this action, disclosing to Plaintiff’s mother the existence of an
18 alleged debt owed by Plaintiff and the identity of Defendant without being
19 expressly requested.

22 12. Defendant’s conduct violated the FDCPA and the RFDCPA in
23 multiple ways, including but not limited to:

- 25 a) Falsely representing the character, amount, or legal status
26 of Plaintiff’s debt (§1692e(2)(A));
27 b) Falsely representing to Plaintiff that services were rendered
28 or that compensation maybe lawfully received by
Defendant for collection of Plaintiff’s debt (§1692e(2)(B));

- 1 c) Falsely representing or implying that nonpayment of
- 2 Plaintiff's debt would result in the seizure, garnishment,
- 3 attachment, or sale of Plaintiff's property or wages, where
- 4 such action is not lawful or Defendant did not intend to
- 5 take such action (§1692e(4));
- 6 d) Threatening to take an action against Plaintiff that cannot
- 7 be legally taken or that was not actually intended to be
- 8 taken (§1692e(5));
- 9 e) In connection with an attempt to collect an alleged debt
- 10 from Plaintiff, contacting a third party for purposes other
- 11 than obtaining location information (§1692b & §1692c(b));
- 12 f) In connection with an attempt to collect an alleged debt
- 13 from Plaintiff, providing the identity of Defendant to a
- 14 third party without such information being expressly
- 15 requested (§1692b(1) & §1692c(b));
- 16 g) Disclosing to a third party the existence of the debt
- 17 allegedly owed by Plaintiff (§1692b(2) & §1692c(b))
- 18 h) Communicating with a single third party more than once in
- 19 connection with an attempt to collect an alleged debt from
- 20 Plaintiff (§1692b(3) & §1692c(b));
- 21 i) Threatening Plaintiff that nonpayment of Plaintiff's debt
- 22 may result in the arrest of Plaintiff or the seizure,
- 23 garnishment, attachment or sale of any property or the
- 24 garnishment or attachment of wages of Plaintiff, where
- 25 such action was not in fact contemplated by the debt
- 26 collector and permitted by the law (Cal Civ Code
- 27 §1788.10(e));
- 28 j) Threatening to take an action against Plaintiff that is
- 29 prohibited by § 1788 of the California Civil Code (Cal Civ
- 30 Code §1788.10(f)); and
- 31 k) Falsely representing that a legal proceeding has been, is
- 32 about to be, or will be instituted unless payment of a
- 33 consumer debt is made (Cal Civ Code § 1788.13(j)).

25 13. As a result of the above violations of the FDCPA and RFDCPA

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27 Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal
28 humiliation, embarrassment, mental anguish and emotional distress, and

Defendant is liable to Plaintiff for Plaintiff's actual damages, statutory damages, and costs and attorney's fees.

**COUNT I: VIOLATION OF FAIR DEBT
COLLECTION PRACTICES ACT**

14. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
 - B. Actual damages;
 - C. Statutory damages;
 - D. Costs and reasonable attorney's fees; and,
 - E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF ROSENTHAL
FAIR DEBT COLLECTION PRACTICES ACT**

15. Plaintiff reincorporates by reference all of the preceding paragraphs.

16. To the extent that Defendant's actions, counted above, violated the

RFDCPA, those actions were done knowingly and willfully.

¹⁷. Further, §1788.17 of the RFDCPA mandates that every debt

collector collecting or attempting to collect a consumer debt shall comply with the provisions of Sections 1692b to 1692j, inclusive, of, and shall be subject to

1 the remedies in Section 1692k of, Title 15 of the United States Code statutory
2 regulations contained within the FDCPA, *15 U.S.C. §1692d, and §1692d(5)*.
3

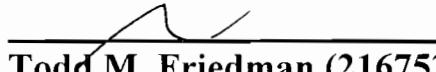
4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff respectfully prays that judgment be entered
6 against the Defendant for the following:
7

- 8 A. Declaratory judgment that Defendant's conduct
9 violated the RFDCPA;
10 B. Actual damages;
11 C. Statutory damages for willful and negligent violations;
12 D. Costs and reasonable attorney's fees,
13 E. For such other and further relief as may be just and proper.
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15 **PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

16 Respectfully submitted this 14th day of May, 2011.
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18 By: 
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